

Grievances

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the filing and processing of employee grievances.

1003.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation or application of any of the following:

- The employee collective bargaining agreement or memorandum of understanding
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct under the Personnel Complaints Policy, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members

Specifically outside the category of grievances are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law, as set forth in the Personnel Complaints Policy.

1003.2 POLICY

It is the policy of the Easton Police Department to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint or retaliation against any employee who submits or is otherwise involved in a grievance.

1003.3 APPLICABILITY

These procedures apply to all grievances, questions or problems regarding an employee's work and any personal problems, which affect an employee's ability to work. The Chief of Police has the duty and responsibility of managing the affairs and operations of the Department. Accordingly, complaints regarding job assignment, wages and salary, promotions, rules and regulations, suspension, dismissal and the Town's financial, budgetary, accounting compensation and organizational policies and procedures, must progress through the grievance procedure outlined below. However, there are certain matters to which these procedures do not apply.

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1003.4 MATTERS NOT COVERED

(a) Matters of Public Concern:

1. Nothing in these procedures shall affect an employee's freedom of speech, as guaranteed under the First Amendment to the United States Constitution.
2. Nothing in this directive shall limit an employee's freedom to speak to any person, including elected officials, on an issue of public concern not directly related to the Department. However, no employee shall have the right to make a public statement which:
 - (a) Is reasonably likely to disrupt discipline and harmony within the Department.
 - (b) Is reasonably likely to make it difficult or impossible for the employee or other employees of the Department, to perform their functions.
 - (c) Would constitute the disclosure of information that is considered confidential by law, rules, or regulations.

(b) Court Testimony and Internal Affairs Investigations:

1. These procedures shall not apply to communications with duly authorized investigators, regarding matters under internal investigation or under investigation by an Internal Affairs Division of another agency.
2. Nothing in this directive shall prohibit a member from cooperating with a legitimate investigation being conducted by an agency with the proper authority or from testifying in a court of law.

(c) Matters Subject to the Law Enforcement Officers' Bill of Rights:

1. These procedures shall not apply to any matter subject to the Law Enforcement Officer's Bill of Rights or a successor statute.

1003.5 PROCESS

Grievances may be brought by an individual employee or by an employee group representative. Employees may have representation during the grievance process.

The grievance process must proceed, in order, through the listed steps.

The required reporting limits may be extended by mutual consent of the aggrieved party and the Department.

The grievance may be settled at any time by mutual consent of the aggrieved party and the Department, prior to the conclusion of Step 5 of the process.

1003.5.1 STEP ONE: SUPERVISOR

Within five (5) working days after the occurrence or condition giving rise to a grievance, the aggrieved employee shall notify his immediate supervisor, in writing, of the problem, utilizing the Easton Police Department Grievance Form 42, with the desired relief. That supervisor shall present a written response to the employee within three (3) working days or notify the affected

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employee that additional time is needed to develop a solution to the problem. A response shall be made known to the employee five (5) working days thereafter.

If the matter cannot be resolved at the supervisor level, or the employee is not satisfied with the resolution of the matter, the employee shall indicate so on the grievance form and submit the grievance form to the Division Commander within five (5) days of receiving the proposed resolution.

1003.5.2 STEP TWO: DIVISION COMMANDER

The commander shall review the grievance and may elect to meet with the supervisor and aggrieved employee, to determine if an appropriate solution can be resolved at the division level. The Division Commander shall present a written solution to the employee within five (5) working days of receiving the complaint or after meeting with the employee.

If the matter cannot be resolved by the Division Commander, or the employee is not satisfied with the resolution of the matter, the employee shall indicate so on the grievance form and submit the grievance form to the Chief of Police within five (5) days of receiving the proposed resolution.

1003.5.3 STEP THREE: CHIEF OF POLICE

The Chief of Police shall hold a conference with the aggrieved person within five (5) working days of receiving the grievance. At the meeting, both the aggrieved person and the Chief of Police, may be represented by legal counsel, or other representative of their choice. The Chief of Police shall present a written solution to the employee within five (5) working days of the hearing.

If the employee is dissatisfied with the remedy proposed by the Chief of Police, the employee shall respond, in writing, within ten (10) days of receiving the response, stating the reason he is dissatisfied with the Chief of Police's remedy.

1003.5.4 STEP FOUR: EASTON POLICE BOARD

The written response and related documents shall be presented to the Police Board within ten (10) days. The Police Board shall hold a closed hearing on the issue presented by the aggrieved person and the remedy recommended by the Chief of Police. Both parties may be represented by legal counsel or other representative of their choice.

The Police Board shall render a written solution to the grievance to the aggrieved party and the Chief of Police within fifteen (15) days of the hearing.

1003.5.5 STEP FIVE: MAYOR OF EASTON

If the aggrieved employee, or the Chief of Police is not satisfied with the solution proposed by the Police Board, it may be appealed to the Mayor of Easton. The Chief of Police, or the employee shall respond, in writing, within ten (10) days of receiving the response, stating the reason he is dissatisfied with the Police Board's Decision. The Mayor shall meet in one or more closed sessions to hear the grievance and Police Board's remedy. The employee and the Department may be represented at the hearing by counsel or other representative of their choice.

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The Mayor shall issue a remedy, in written form, and present the solution to the employee and Chief of Police within thirty (30) days of hearing. The resolution proposed by the Mayor shall be final.

1003.6 REQUIRED INFORMATION: FORM 42

- (a) Information to be included on the Grievance (Form 42) shall include at a minimum:
 - 1. The name of the grievant
 - 2. The nature of the grievance (explained in the grievant's own words, describing the events prompting the grievance.)
 - 3. Specific relief expected
- (b) Signature of the grievant and date
- (c) Responding authority's reply
- (d) Signature of responding authority and date
- (e) Acceptable/Unacceptable response by grievant
- (f) Grievant's signature and date acknowledging response.

1003.7 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be maintained by the Chief of Police for inclusion into a secure file due to their sensitivity.

1003.8 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change or an immediate training need, the employee should promptly notify the Chief of Police in a memorandum.

1003.9 GRIEVANCE AUDITS

The Chief of Police should perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure or training may be appropriate to avoid future grievances.